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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Confirmation No.: 5478

TSUGIO WAKITA

Attorney Docket: 28951.5358

Application No.: 10/518,028

Group Art Unit: 2878

Filed: December 15, 2004

Examiner: Monbleau, Davienne N.

For: ANALYSIS APPARATUS AND ANALYSIS DISC USED FOR THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
U.S. PATENT AND TRADEMARK OFFICE
Customer Service Window
Randolph Building, 401 Dulany Street
Alexandria, VA 22313-1450

April 16, 2008

Sir:

In response to the Office Action mailed April 4, 2008, applicants hereby provisionally elect, with traverse, to prosecute the claims of Group I (claims 1-4, drawn to an analysis apparatus comprising a control unit for a laser device with first and second switching states) in the present application.

Applicants respectfully traverse the restriction requirement since the subject matter of all of claims 1-6 is sufficiently related that a thorough and complete search for the subject matter of the elected claims would necessarily encompass a thorough and complete search for the subject matter of the non-elected claims. Thus, search and examination of the entire application could be made without serious burden. See MPEP §803 which states that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must

examine it on the merits." This policy should apply in the present application to avoid unnecessary delay and expense to applicants and duplicative examination by the Patent Office.

The Commissioner is hereby authorized to charge any fees due in connection with the present application, or credit any overpayment, to Deposit Account 19-4293.

Respectfully submitted,

STEPTOE & JOHNSON LLP

A handwritten signature in black ink, appearing to read "Roger W. Parkhurst", written over a horizontal line.

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